

BROWN AMENDMENT #311

Description of Amendment: This amendment incentivizes states to pass laws that allow women to petition for the termination of parental rights based on clear and convincing evidence that a child was conceived through rape.

Background

- According to several studies, it is estimated there are between 25,000 and 32,000 rape-related pregnancies annually in the United States. A significant number of women choose to raise their child conceived through rape.
- A rapist pursuing parental or custody rights forces the rape survivor to have continued interaction with the rapist, which can have traumatic psychological effects on the survivor, making it more difficult for her to recover and impacting her childrearing ability.
- Sexual assault and domestic violence advocates report that rapists threaten to pursue custody or parental rights in order to coerce survivors into not prosecuting rape charges.
- Currently, 21 states, including Washington D.C, have no statute allowing women who have been raped and are raising their child to restrict or terminate parental rights of the rapist who fathered the child. Conversely, 30 states have a statute allowing this type of termination, but of those 30 states, 20 require a conviction of rape.
- Ten states allow, regardless of adoption proceeding, to terminate a rapist's parental rights based on clear and convincing evidence of rape.
- The clear and convincing evidence standard is the most common standard for termination of parental rights among the 50 States, territories, and the District of Columbia, serving as the default burden of proof unless otherwise specified by a statute.
- To require a conviction for rape before terminating parental rights would unjustifiably hold rape survivors to a higher standard of proof than a parent looking to terminate based on any other factor (for example, child abuse, neglect, and failure to pay child support).
- States that pass the required statute – enabling for termination of parental rights of the rapist based upon clear and convincing evidence – are eligible for additional funding for VAWA formula grants equal up to 10% of what the state is already receiving for VAWA formula grants.
- A total of 26 state, sexual violence coalitions support this amendment along with 14 national organizations, including RAINN, National Alliance to End Sexual Violence, and National Taskforce to End Sexual and Domestic Violence Against Women.

Supporters of this Amendment

Alaska Network On Domestic Violence and Sexual Assault
California Coalition Against Sexual Assault
Colorado Coalition Against Sexual Assault
Connecticut Sexual Assault Crisis Services
Day One Rhode Island
D.C. Rape Crisis Center
Florida Council Against Sexual Violence
Illinois Coalition Against Sexual Assault
Indiana Coalition Against Sexual Assault
Kansas Coalition Against Sexual and Domestic Violence
Kentucky Coalition of Sexual Assault Programs
Maine Coalition Against Sexual Assault
Maryland Coalition Against Sexual Assault
Nebraska Domestic Violence and Sexual Assault Coalition
New Hampshire Coalition Against Domestic and Sexual Violence
New Jersey Coalition Against Sexual Assault
New Mexico Coalition of Sexual Assault Programs
New York State Coalition Against Sexual Assault
North Carolina Coalition Against Sexual Assault
Ohio Alliance to End Sexual Violence
Pennsylvania Coalition Against Sexual Assault
Texas Association Against Sexual Assault
Vermont Network Against Domestic Violence and Sexual Assault
Washington Coalition of Sexual Assault Programs
West Virginia Foundation for Rape Information Services
Wyoming Coalition Against Domestic Violence and Sexual Assault
Asian Pacific Islander Institute on Domestic Violence
Casa de Esperanza
Jewish Women International
National Alliance to End Sexual Violence
National Coalition Against Domestic Violence
National Coalition of Anti-Violence Programs
National Council of Jewish Women
National Domestic Violence/Dating Violence Hotline
National Network to End Domestic Violence
National Organization of Sisters of Color Ending Sexual Assault
National Resource Center on Domestic Violence
National Taskforce to End Sexual and Domestic Violence Against Women
Rape, Abuse, Incest, National Network
Victims Rights Law Center